



INDIANA DEPARTMENT OF TRANSPORTATION

100 North Senate Avenue
Room N730
Indianapolis, Indiana 46204

PHONE: (317) 232-5219
FAX: (317) 233-1481

Eric Holcomb, Governor
Joseph McGuinness, Commissioner

INDIANA
STATE ETHICS COMMISSION

APR 04 2017

FILED

IC 4-2-6-11

Post-employment waiver

As the Appointing Authority of the Indiana Department of Transportation, I am filing this waiver of the application of the Code of Ethics' post-employment restriction as it applies to Jason Jones, P.E. in his post-employment with Gauge Telematics, LLC.

I understand that I must file and present this waiver to the State Ethics Commission at their next available meeting. I further understand that this waiver is not final until approved by the State Ethics Commission.

A. This waiver is provided pursuant to IC 4-2-6-11(g) and specifically waives the application of

(Please indicate the specific restriction in 42 IAC 1-5-14 (IC 4-2-6-11) you are waiving):

- IC 4-2-6-11(b)(1): 365 day required "cooling off" period before serving as a lobbyist.
- IC 4-2-6-11(b)(2): 365 day required "cooling off" period before receiving compensation from an employer for whom the state employee or special state appointee was engaged in the negotiation or administration of a contract and was in a position to make a discretionary decision affecting the outcome of such negotiation or administration.
- IC 4-2-6-11(b)(3): 365 day required "cooling off" period before receiving compensation from an employer for which the former state employee or special state appointee made a directly applicable regulatory or licensing decision.
- IC 4-2-6-11(c): Particular matter restriction prohibiting the former state employee or special state appointee from representing or assisting a person in a particular matter involving the state if the former state officer, employee, or special state appointee personally and substantially participated in the matter as a state worker. *(Please provide a brief description of the specific particular matter(s) to which this waiver applies below):*

B. IC 4-2-6-11(g)(2) requires that an agency's appointing authority, when authorizing a waiver of the application of the post-employment restrictions in IC 4-2-6-11(b)-(c), also include specific information supporting such authorization. Please provide the requested information in the following five (5) sections to fulfill this requirement.

1. Please explain whether the employee's prior job duties involved substantial decision-making authority over policies, rules, or contracts:

Some of the following information is supported by the employee's personnel file or my knowledge of his current INDOT duties, and the remainder is based solely upon information the employee has provided to me in connection with the process of considering this waiver. The employee's prior job involved substantial decision-making authority over policies, rules, or contracts, as more particularly described below.

As the Director of Maintenance Management and District Support, Jason has provided leadership in the areas of highway maintenance operations, which includes the routine maintenance of all pavements, bridges, rights-of-way, drainage, signage, signals, and snow and ice removal on the INDOT roadway network.

In this capacity he sets performance standards, operating policies, establishes performance metrics, and provides engineering guidance for INDOT's 1,500 person in-house maintenance staff, as well as administers an \$80M maintenance work program budget used for highway maintenance materials and small highway maintenance contracts.

Jason sought advice from INDOT's Ethics Officer, who concluded that since (a) Jason provided informal feedback to other INDOT personnel who had engaged in scoring (discretionary negotiation) of a contract with Gauge Telematics (Jason's prospective new employer) and (b) Jason led an INDOT team that worked with Gauge to implement the contract provisions requiring the providing of certain information in formats best utilized by INDOT (discretionary administration, even though INDOT had a Project Manager in charge of INDOT's contribution toward administration of this Department of Administration contract), Jason would be subject to the one-year cooling off period.

2. Please describe the nature of the duties to be performed by the employee for the prospective employer:

Based solely upon the information provided to me by Jason, and contingent on the approval of this waiver, Jason has accepted the position of Operations Manager. Jason indicated that, as Operations Manager, he will be manage all sales and account management personnel, develop and maintain sales forecasts, create operational processes, provide project management for special client projects, assist with company strategy, and maintain client and vendor relationships.

3. Please explain whether the prospective employment is likely to involve substantial contact with the employee's former agency and the extent to which any such contact is likely to involve matters where the agency has the discretion to make decisions based on the work product of the employee:

According to Jason, he will have no involvement with the current contract between Gauge Telematics and the Indiana Department of Administration which has involved INDOT's dump truck fleet. Jason is not aware of any other current contract that Gauge has with any other state agency. If deemed necessary by the State Ethics Commission, Gauge will screen Jason from direct involvement with any other Gauge contract involving INDOT or the State of Indiana for a period of up to one (1) year.

4. Please explain whether the prospective employment may be beneficial to the state or the public, specifically stating how the intended employment is consistent with the public interest:

It is in the public's interest and beneficial to the state and other public agencies having Jason's extensive engineering experience (he has been a licensed Professional Civil Engineer for many years) available to provide professional engineering performance and guidance for state and local public works projects. Additionally, Jason's position with his prospective employer would apply his substantial INDOT experience to provide a better product to the state and other public agencies. It is also in the public's interest to continue to receive a return on the investment made in Jason's professional development during his more than a decade working at INDOT.

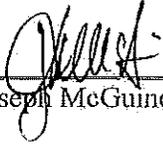
5. Please explain the extent of economic hardship to the employee if the request for a waiver is denied:

As a registered Civil Engineer and a member of the INDOT supervisory staff, many outside employment opportunities for Jason would have to undergo ethics scrutiny and some would be prohibited. Failure to approve this opportunity, which I believe had to have no conflict of interest with Jason's current role, or the spirit of the ethics rules, would severely limit Jason's opportunities outside INDOT.

C. Signatures

1. Appointing authority/state officer of agency

By signing below I authorize the waiver of the above-specified post-employment restrictions pursuant to IC 4-2-6-11(g)(1)(A). In addition, I acknowledge that this waiver is limited to an employee or special state appointee who obtains the waiver before engaging in the conduct that would give rise to a violation.



Joseph McGuinness, Commissioner

4/4/2017
DATE

2. Ethics Officer of agency

By signing below I attest to the form of this waiver of the above-specified post-employment restrictions pursuant to IC 4-2-6-11(g)(1)(B).



Mark J. Tidd, Ethics Officer

4/4/17
DATE

D. Approval by State Ethics Commission

FOR OFFICE USE ONLY
Approved by State Ethics Commission



James Clevenger, Chair, State Ethics Commission

4/13/17
Date